

REMARKS

In the Office Action mailed on September 20, 2005, the Examiner rejected claims 1 – 20. With this Amendment, Applicant has amended claims 1, 3, 8 – 10, 14, 15, and 19 and canceled claim 4. The Application now includes claims 1 – 3 and 5 – 20.

A Petition for Three-Months Extension of Time is enclosed together with a Credit Card Payment Form in the amount of \$ 510.00.

DRAWINGS

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) stating that the drawings must show every feature of the invention specified in the claims. With this Amendment, Applicant has added FIGS. 7 – 12. In addition, Applicant has amended the specification to describe the new drawings. It is now believed that the Applicant has overcome the Examiner's objections. Therefore, it is respectfully requested that the objection to the drawings be withdrawn.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112

The Examiner rejected claims 2 and 4 under 35 U.S.C. § 112, second paragraph, as being indefinite. Concerning claim 2, Applicant has added FIG. 8 to clearly illustrate claim 2. Concerning claim 4, claim 4 has been canceled. Therefore, it is respectfully requested that the rejection of claims 2 and 4 under 35 U.S.C. § 112, second paragraph, be withdrawn and that claim 2 be held allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1 – 5 and 11 – 13

The Examiner rejected claims 1 – 5 and 11 – 13 under 35 U.S.C. § 103(a) as being unpatentable over Yamabe in view of Brain.

With this Amendment, Applicant has amended the claims to better define the invention of the present application. In particular, Applicant has amended claim 1 to claim a first light emitting source mounted to the first end of the housing, a second light emitting source mounted

at the second end of the housing, first scoring means formed on first end of the housing and surrounding the first light emitting source, and second scoring means formed on the second end of the housing and surrounding the second light emitting source.

As stated by the Examiner, neither the Yamabe patent nor the Brain patent teach or describe scoring means, as claimed in the present application. In addition, Applicant submits that the “emergency locator beacon” and the “theft transmitter” of the Yamabe patent are not electronic, but only flashing lights.

Therefore, it is respectfully requested that the rejection of claims 1 – 5 and 11 – 13 under 35 U.S.C. § 103(a) be withdrawn and that claims 1 – 3, 5, and 11 – 13 be held allowable.

Claims 6 and 7

The Examiner rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Yamabe in view of Brain and further in view of Landamia.

As stated above, Applicant has amended claim 1 to claim a first light emitting source mounted to the first end of the housing, a second light emitting source mounted at the second end of the housing, first scoring means formed on first end of the housing and surrounding the first light emitting source, and second scoring means formed on the second end of the housing and surrounding the second light emitting source.

The Landamia patent adds nothing to the Yamabe patent or the Brain patent to teach or suggest the amended claims of the present application. Therefore, since claims 6 and 7 depend from claim 1, it is respectfully requested that the rejection of claims 6 and 7 under 35 U.S.C. § 103(a) be withdrawn and that claims 6 and 7 be held allowable.

Claim 8

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Yamabe in view of Brain and further in view of Bordak.

As stated above, Applicant has amended claim 1 to claim a first light emitting source mounted to the first end of the housing, a second light emitting source mounted at the second end of the housing, first scoring means formed on first end of the housing and surrounding the first

light emitting source, and second scoring means formed on the second end of the housing and surrounding the second light emitting source. In addition, Applicant has amended claim 8 to claim wherein the first end of the housing at the first scoring means is tapered and the second end of the housing at the second scoring means is tapered.

The Bordak patent adds nothing to the Yamabe patent or the Brain patent to teach or suggest the amended claims of the present application. In the Bordak patent, the housing is not tapered, only the globe surrounding the light bulb is tapered. The taper of the housing of the present application combined with the scoring means scores the glass and the housing facilitates glass breakage of scored tempered glass or breakage of non-tempered glass.

Therefore, it is respectfully requested that the rejection of claim 8 under 35 U.S.C. § 103(a) be withdrawn and that claim 8 be held allowable.

Claims 9 and 10

The Examiner rejected claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Yamabe in view of Brain and further in view of McMillan et al patent.

As stated above, Applicant has amended claim 1 to claim a first light emitting source mounted to the first end of the housing, a second light emitting source mounted at the second end of the housing, first scoring means formed on first end of the housing and surrounding the first light emitting source, and second scoring means formed on the second end of the housing and surrounding the second light emitting source.

The McMillan et al patent adds nothing to the Yamabe patent or the Brain patent to teach or suggest the amended claims of the present application. The McMillan et al patent merely describes a multipurpose emergency tool having a hammer glass breaker and belt cutter. Applicant fails to understand how the Examiner can combine the multipurpose tool of the McMillan et al patent with a flashlight patent. There is neither any teaching nor suggestion of combining these references to arrive at the present obviousness rejection. The present application specifically claims scoring means on the housing and not an additional folding tool attached to a flashlight, as suggested by the Examiner.

Furthermore, the Examiner fails to describe how any of the cited references render claim 10 of the present application obvious. Claim 10 claims the housing attachable in a folded down storage position latchable in a ninety (90°) degrees position. If the Examiner rejects the claims again, Applicant respectfully requests that the rejection be non-final, at least to claim 10.

Therefore, it is respectfully requested that the rejection of claims 9 and 10 under 35 U.S.C. § 103(a) be withdrawn and that claims 9 and 10 be held allowable.

Claims 14 – 20

The Examiner rejected claims 14 – 20 under 35 U.S.C. § 103(a) as being unpatentable over Yamabe in view of Landamia and further in view of Brain.

With this Amendment, Applicant has amended the claims to better define the invention of the present application. In particular, Applicant has amended claim 14 to claim first scoring means formed on first end of the housing and surrounding the first light emitting source and second scoring means formed on the second end of the housing and surrounding the second light emitting source.

Neither the Yamabe patent, the Landamia patent, nor the Brain patent teach or describe scoring means, as claimed in the present application. Therefore, it is respectfully requested that the rejection of claims 14 – 20 under 35 U.S.C. § 103(a) be withdrawn and that claims 1 – 20 be held allowable.

CONCLUSION

In conclusion, it is believed that the present application is in condition for allowance. Reconsideration and allowance of claims 1 – 3 and 5 – 20 are respectfully requested.

Respectfully submitted,

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